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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,766	05/25/2001	David K. Thatcher	4313 P	5765
7590	04/21/2004		EXAMINER	
Lloyd W. Sadler MCCARTHY & SADLER, LC Suite 100 39 Exchange Place Salt Lake City, UT 84111			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	
			DATE MAILED: 04/21/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No.	Applicant(s)
	09/865,766	THATCHER ET AL.
	Examiner	Art Unit
	Theresa T. Snider	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Am dt. of 3/17/2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 12-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 and 12-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-8 and 12-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear as to where in the specification or drawings is support for the ‘pad pressure adjustment’ being ‘in mechanical communication with one or more drive wheels’ or being for adjustment of ‘said buffer pad and said first scrubber’. Paragraph 0059 simply discloses ‘adjustment to adjust pad pressure’ without reference to it’s location or to which pads it is adjusting the pressure thereof. Figure 5 discloses the adjuster, however it is not clear as to which elements it is attached thereto. From the figure, it may be simply attached/resting on the frame, as opposed to being in communication with one or more drive wheels.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al. in view of Nagayama et al., Warren et al. and Wulff.

Thatcher et al. discloses a similar machine however fails to disclose a scrubber housing, a buffer belt and clutch or a flexible bladder tank system.

Thatcher et al. discloses a frame (fig. 1, #101).

Thatcher et al. discloses a first scrubber attached to the frame means including a first scrubber pad and a first gear box (fig. 1, #107a, col. 6, lines 19-20). Nagayama et al. discloses a scrubbing machine having a scrubber with a housing (fig. 4, #6, col. 6, line 41-42). It would have been obvious to one of ordinary skill in the art to provide the housing of Nagayama et al. in Thatcher et al. to provide for a means to prevent splashing by the scrubber.

Thatcher et al. discloses a buffer attached to the frame including a buffer pad and gear box (fig. 1, #106a and col. 6, lines 16-17). Warren et al. discloses a buffing machine using a buffer belt and clutch (abstract, col. 1, line 66-col. 2, line 5). It would have been obvious to one of ordinary skill in the art to provide the belt and clutch of Warren et al. in Thatcher et al. in view of Nagayama et al. to allow for operation at adjustable speeds.

Thatcher et al. discloses a squeegee attached to the frame between the scrubber and buffer (fig. 1, #304).

Thatcher discloses a motor means mounted on the frame for powering the scrubber and buffer (fig. 1, #103).

Thatcher discloses a tank system for clean water and floor residue in communication with the squeegee (col. 4, line 67 and col. 5, lines 1 and 47-57). Wulff discloses a scrubbing machine with a fluid bladder tank system for clean water, detergent and floor residue that is in communication with a squeegee (col. 1, lines 63-68, col. 2, lines 43-49, col. 3, lines 5-12 and 25-29). It would have been obvious to one of ordinary skill in the art to provide the flexible bladder

Art Unit: 1744

tank system of Wulff in Thatcher et al. in view of Nagayama et al. and Warren et al. to provide for a system where the center of gravity stays constant as the clean fluid is depleted and residue is collected to allow for a constant load on the scrubbers.

Thatcher et al. discloses pad pressure adjustment (col. 6, lines 35-36). Nagayama et al. discloses a pad pressure adjustment (col. 5, lines 23-32).

With respect to claim 2, Thatcher et al. discloses the motor means being an engine (col. 5, lines 19-23).

With respect to claim 3, Thatcher et al. discloses a second scrubber attached to the frame including a second scrubber pad and a second gear box (fig. 1, #107b, col. 6, lines 19-20). Nagayama et al. discloses a scrubbing machine having a scrubber with a housing (fig. 4, #6, col. 6, line 41-42). It would have been obvious to one of ordinary skill in the art to provide the housing of Nagayama et al. in Thatcher et al. in view of Warren et al. to provide for a means to prevent splashing by the scrubber.

With respect to claim 4, Thatcher et al. discloses a vacuum (col. 5, lines 35-45).

With respect to claim 5, Thatcher et al. disclose a single drive wheels (fig. 1, #105). Nagayama et al. discloses a cleaning machine having two drive wheels (col. 3, lines 35-39). It would have been obvious to one of ordinary skill in the art to provide the second drive wheel of Nagayama et al. in Thatcher et al. in view of Warren et al. to allow for a broader base of support and greater stability.

With respect to claim 6, Thatcher et al. discloses first and second stability wheels (col. 7, lines 19-21).

With respect to claim 7, Nagayama et al. discloses a cleaning machine with a control panel (col. 3, lines 49-51). It would have been obvious to one of ordinary skill in the art to provide the control panel of Nagayama et al. in Thatcher et al. in view of Warren et al. to have a way of displaying to an operator the operation states and conditions of the machine.

With respect to claim 8, Thatcher et al. disclose the frame being made of steel (col. 7, lines 48-49).

With respect to claim 11, Thatcher et al. discloses the buffer including a buffer pad and gear box (col. 6, lines 16-17).

With respect to claim 12, Thatcher et al. discloses the squeegee including a squeegee mount and blade (col. 5, line 46).

With respect to claim 13, Thatcher et al. discloses the engine being a propane engine (col. 5, line 22).

With respect to claim 14, Thatcher et al. discloses the engine being an internal combustion engine (claim 1,B). Thatcher et al. discloses a vacuum/blower (col. 4, lines 65-66). It would have been obvious to one of ordinary skill in the art to determine the most appropriate elements to work in conjunction with the engine of Thatcher et al. in view of Nagayama et al. and Warren et al. to allow for the most effective operation, no matter where the device is to be used.

Response to Arguments

5. Applicant's arguments filed 3/17/2004 have been fully considered but they are not persuasive. Applicant urges that the prior art fails to disclose a single bladder tank system to maintain weight distribution. Applicant is believed to be in error with his arguments because it

is not clear from the specification or figures the exact configuration of the bladder system. Wulff discloses the use of a bladder system with a floor scrubbing machine and provides the advantage to having such a system in a cleaner (see above). Though the motivation for having a fluid bladder system in Wulff may not be the same motivation as applicant's, it is believed that proper motivation has been supplied to provide Thatcher et al. in view of Nagayama et al. and warren et al. with a fluid bladder system.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1744

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/19/2004

TS *T.S.N.*
THERESA T. SNIDER
PRIMARY EXAMINER

Theresa T. Snider
Primary Examiner
Art Unit 1744